



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# California Law Review

Published by the Faculty and Students of the School of Jurisprudence of the University of California, and issued Bi-monthly throughout the Year ❁ ❁ ❁

---

Subscription Price, \$3.50 Per Year

Single Copies, 65 Cents

---

A. M. KIDD, Editor-in-Chief  
HAROLD A. BLACK, Student Editor-in-Chief  
P. S. MATHEWS, Business Manager  
ROSAMOND PARMA, Secretary

---

## FACULTY BOARD OF EDITORS

WM. CAREY JONES	ORRIN K. McMURRAY
J. U. CALKINS, JR.	MAX RADIN
WM. E. COLBY	G. H. ROBINSON
A. T. WRIGHT	

---

## STUDENT BOARD OF EDITORS

J. J. POSNER, Associate Editor	JOSEPH C. SHARP, Associate Editor
W. C. BARTLETT	MILDRED MALLON
I. A. CEREGHINO	ALBERT B. MASON
THOMAS W. DAHLQUIST	CALLA MATHISON
GEORGE W. DOWNING	HARRY A. MAZZERA
MAX FELIX	RICHARD H. MORRISON
L. E. KILKENNY	HERBERT RABINOWITZ
BENJ. B. LOGAN	H. B. SEYMOUR
HELEN MACGREGOR	L. L. THORNBURGH

RAY VANDERVOORT

---

## RESPONSIBILITY FOR CRIME

California is passing through another period of crime hysteria. All over the state the occurrence of some offense is played up and there is wild indignation. Some officials are held responsible, recall proceedings are threatened, and there will be a fever of excitement until the disease has run its course. The officials facing recall are neither more nor less honest or competent than they were known to be when elected, and they were elected by the people because they were the kind of officials the people wanted and always want, except when indulging in a periodic debauch of reform.

As the legislature is about to meet, there will probably be a number of measures introduced to abolish crime. Let us hope that some constructive good may come of it. A few years ago the people were sure that crime was due to the fact that the Supreme Court sometimes reversed convictions for crime on technicalities. One who ventured to doubt whether the decisions of the Supreme Court had much to do with the commission of crime

was looked upon as a grafter or as lacking in good sense. One thing was accomplished: the constitution was amended to restore the evident intent of the Civil Code that cases should not be reversed unless there was a miscarriage of justice. As a result there are now few reversals, but crime continues just the same.

The popular "goat" this time is the probation and parole system, although the facts establish conclusively, in San Francisco at least, that less than ten per cent of the persons arrested for felony are put on probation, and a very small percentage paroled. Furthermore, most of those on probation and parole made good. No one is more keenly alive to the defects of the probation and parole system than the officers in charge of it. Probation officers are usually overworked, underpaid, and never equipped with the medical and psychiatric assistance that would enable them to find out the kind of men they are dealing with. Admitting all the mistakes of probation and parole, it accounts for but a small part of the miscarriages of justices. There is the lack of co-ordination in the police departments—the lack of modern training and equipment in each department. The police and sheriffs have their favorite criminals to protect. The same is true of the district attorney, the police judge and the judge of the superior court. Further, the officials of one county often find it necessary to oblige the officials of another county. From the prosecuting witnesses to the governor, there is a hierarchy of persons who can block a criminal prosecution. There is no concentration of responsibility. Power and responsibility are divorced.

In the last analysis the fault lies with the people. They insist on electing officials for short terms and demand that all officers, whether elected or appointed, shall be good fellows—that when a friend is arrested on a criminal charge, or the friend of a friend, the official shall do the right thing as a personal favor and dismiss the case, or if there is influence brought to bear in favor of prosecution, inflict a light sentence. As long as we feel that way about it and want nothing better, conditions will remain about the same.

---

## Comment on Recent Cases

CORPORATIONS: POWER TO GUARANTEE CONTRACTS OF OTHER CORPORATIONS—In the case of the *Woods Lumber Company v. Moore*, the Goldstein Company, part of whose business was the renting of theatrical costumes, guaranteed the payment of an obligation owing to the Woods Lumber Company by the Continental Producing Company, for building material. The Goldstein Company had rented costumes to the Continental Producing Company and the building materials were necessary for the success of a theatrical production. The Goldstein Company was held liable on the guaranty. It was considered within the implied corporate